

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BEE YANG,

Petitioner,

No. CIV S-05-0417 DFL DAD P

vs.

CATHY MENDOZA-POWERS,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On February 13, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fifteen days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

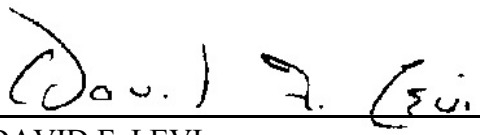
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1 1. The findings and recommendations filed February 13, 2006, are adopted in
2 full;

3 2. Respondent's June 2, 2005 motion to dismiss the petition as unexhausted is
4 denied; and

5 3. Respondent is ordered to file her answer within thirty days from the date of
6 service of this order.

7 DATED: 3/29/2006

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11 DAVID F. LEVI
12 United States District Judge
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